

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

David Clarence Mullen

Serial No.: 10/813,509

Filed: March 29, 2004

Atty. File No.: 4366-161

For: "METHOD AND APPARATUS TO FORECAST THE AVAILABILITY OF A RESOURCE" (As Amended)

) Group Art Unit: 2614

) Examiner: NGUYEN, KHAI N.

) Confirmation No.: 7396

NOTICE OF APPEAL

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA THE OFFICE ELECTRONIC FILING SYSTEM IN ACCORDANCE WITH 37 CFR §1.6(a)(4) ON

June 19, 2009

BY: Terri M. Franklin SHERIDAN ROSS P.C.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Examiner mailed March 23, 2009 finally rejecting Claims 1-16 and 18-22. The amount of \$540.00 as payment for the Notice of Appeal fee specified in 37 CFR §41.20(b) is being submitted concurrently via EFS-Web with the filing of this paper.

Please credit any overpayment or debit any underpayment to Deposit Account 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

Date: June 19, 2009

By: Bradley M. Kiepper

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